

on the amount of such units' allocations under paragraph (b)(10) of this section and, in cases of equal allocation amounts, in alphabetical order of the relevant source's name and numerical order of the relevant unit's identification number, and will increase each unit's allocation under paragraph (b)(10) of this section by one TR SO<sub>2</sub> Group 1 allowance in the order in which the units are listed and will repeat this increase process as necessary, until the total allocations of such Indian country new unit set-aside equal the total amount of such Indian country new unit set-aside.

**§ 97.613 Authorization of designated representative and alternate designated representative.**

(a) Except as provided under § 97.615, each TR SO<sub>2</sub> Group 1 source, including all TR SO<sub>2</sub> Group 1 units at the source, shall have one and only one designated representative, with regard to all matters under the TR SO<sub>2</sub> Group 1 Trading Program.

(1) The designated representative shall be selected by an agreement binding on the owners and operators of the source and all TR SO<sub>2</sub> Group 1 units at the source and shall act in accordance with the certification statement in § 97.616(a)(4)(iii).

(2) Upon and after receipt by the Administrator of a complete certificate of representation under § 97.616:

(i) The designated representative shall be authorized and shall represent and, by his or her representations, actions, inactions, or submissions, legally bind each owner and operator of the source and each TR SO<sub>2</sub> Group 1 unit at the source in all matters pertaining to the TR SO<sub>2</sub> Group 1 Trading Program, notwithstanding any agreement between the designated representative and such owners and operators; and

(ii) The owners and operators of the source and each TR SO<sub>2</sub> Group 1 unit at the source shall be bound by any decision or order issued to the designated representative by the Administrator regarding the source or any such unit.

(b) Except as provided under § 97.615, each TR SO<sub>2</sub> Group 1 source may have one and only one alternate designated representative, who may act on behalf

of the designated representative. The agreement by which the alternate designated representative is selected shall include a procedure for authorizing the alternate designated representative to act in lieu of the designated representative.

(1) The alternate designated representative shall be selected by an agreement binding on the owners and operators of the source and all TR SO<sub>2</sub> Group 1 units at the source and shall act in accordance with the certification statement in § 97.616(a)(4)(iii).

(2) Upon and after receipt by the Administrator of a complete certificate of representation under § 97.616,

(i) The alternate designated representative shall be authorized;

(ii) Any representation, action, inaction, or submission by the alternate designated representative shall be deemed to be a representation, action, inaction, or submission by the designated representative; and

(iii) The owners and operators of the source and each TR SO<sub>2</sub> Group 1 unit at the source shall be bound by any decision or order issued to the alternate designated representative by the Administrator regarding the source or any such unit.

(c) Except in this section, § 97.602, and §§ 97.614 through 97.618, whenever the term "designated representative" (as distinguished from the term "common designated representative") is used in this subpart, the term shall be construed to include the designated representative or any alternate designated representative.

**§ 97.614 Responsibilities of designated representative and alternate designated representative.**

(a) Except as provided under § 97.618 concerning delegation of authority to make submissions, each submission under the TR SO<sub>2</sub> Group 1 Trading Program shall be made, signed, and certified by the designated representative or alternate designated representative for each TR SO<sub>2</sub> Group 1 source and TR SO<sub>2</sub> Group 1 unit for which the submission is made. Each such submission shall include the following certification statement by the designated representative or alternate designated representative: "I am authorized to